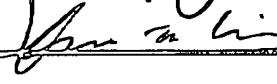


AT 2021.20

## Certificate of Mailing/Transmission (37 C.F.R. § 1.6(d))

I hereby certify that this correspondence and all enclosures are being send via facsimile to the attention of David Willse at facsimile No. 703-308-2708 at 10:40 a.m./p.m. on January 23, 2002.

By: 

Name of person signing: Kum Lim

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Thomas A. Silvestrini

Serial No.: 08/596,221

Filing Date: July 15, 1996

For: SEGMENTED PLIABLE  
INTRASTROMAL CORNEAL  
INSERT

FAX RECEIVED

JAN 24 2002

GROUP 3700

Examiner: Willse, D.

Group Art Unit: 3738

BOX AF  
Commissioner for Patents  
Washington, D.C. 20231

STATEMENT REGARDING REPLY PREVIOUSLY MAILED TO THE USPTO ON  
DATE INDICATED ON THE CERTIFICATE OF MAILING

Sir:

On October 15, 2001, the following documents were mailed to the United States Patent and Trademark Office ("USPTO") in response to the Office Action issued in the above-identified application on April 13, 2001:

- 1) Transmittal Form;
- 2) Petition and Fee for Extension of Time (37 C.F.R. § 1.136(a));
- 3) Amendment and Response to Final Office Action; and
- 4) Notice of Appeal from the Examiner to the Board of Patent Appeals and

Interferences-Small Entity.

Enclosed are copies of each of the above documents. This reply and corresponding documents were previously mailed to the USPTO on October 15, 2001 as indicated on the certificate of mailing for each document.

The filing of these papers and request for consideration as timely filed is pursuant to the procedure set forth in "Processing of, and Requirements for, the filing of Duplicate Applications and Papers in View of USPS Mail Delays" [www.uspto.gov](http://www.uspto.gov).

No fee is believed necessary in connection with the filing of this Statement. However, if any fee is required, authorization is given to charge the amount due to Deposit Account No. 50-1189, referencing Billing No. 23915-7319.

If the Examiner has any questions regarding this submission, the Examiner is requested to contact the undersigned at (650) 849-4936.

DATE: January 23, 2002

Respectfully submitted,

By: Michele Todd Wasmuth  
Michele Todd Wasmuth  
Registration No.: 43,239

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4936  
Telefax: (650) 849-4800

AMENDMENT AFTER FINAL  
ART UNIT 3738

AT 2021.20

## Certificate of Mailing by "First Class Mail"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on October 15, 2001.

By: Jocelyn Lee

Name of person signing: Jocelyn Lee

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Thomas A. Silvestrini

Examiner: Willse, D.

Serial No.: 08/596,221

Group Art Unit: 3738

Filing Date: July 15, 1996

For: SEGMENTED PLIABLE  
INTRASTROMAL CORNEAL INSERT

## BOX AF

Commissioner for Patents  
Washington, D.C. 20231

## RESPONSE TRANSMITTAL

Sir:

In response to the Office Action mailed on April 13, 2001, enclosed herewith for filing are the following:

- Amendment and Response to Office Action (8 pgs.)
- Notice of Appeal (2 pgs.)

Also included are:

- A Petition for Extension of Time [3] months (2 pgs.)
- Return Postcard

Fee Calculation						CALCULATIONS	
<input type="checkbox"/> The following fees are submitted:							
EXTRA CLAIMS FEE				OTHER THAN SMALL ENTITY	SMALL ENTITY		
CLAIMS	CURRENT #	# OF CLAIMS PREVIOUSLY PAID	# EXTRA	RATE	RATE		
Total Claims	-20			× \$18.00	× \$9.00	\$	
Independent claims	- 3			× \$80.00	× \$40.00	\$	
MULTIPLE DEPENDENT CLAIM(S)							
					\$270.00	\$135.00	\$
Petition for Extension of Time Fee ( months)						\$	
OTHER FEES (specify)						\$	
						<b>TOTAL FEES =</b>	\$

- Conditional Petition for Extension of Time:** An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189, Billing Reference No. 23915-7319. A duplicate copy of this sheet is enclosed.

DATE: October 15, 2001

Respectfully submitted,

By:   
 Antoinette F. Konski  
 Registration No.: 34,202

McCutchen, Doyle, Brown & Enersen, LLP  
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 San Francisco, California 94111  
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Affiliate Office:  
Taipei

ATTORNEYS AT LAW

## Fax Cover Page

Date: January 23, 2002

	Name	Fax	Phone
To:	BOX AF Attn: Examiner David Willse USPTO	703-308-2708	703-308-2903

From: Michele Todd Wasmuth for (650) 849-4800 (650) 849-4936  
Antoinette F. Konski  
[mwasmuth@mdbe.com](mailto:mwasmuth@mdbe.com)

FAX RECEIVED

Pages (including this cover page): 21

JAN 24 2002

Subject: Application Serial No. 08/596,221

GROUP 3700

Filing Date: July 15, 1996

Title: Segmented Pliable Intrastromal Corneal Insert

Docket No.: AT 2021.20

### Message:

Fax Cover Sheet (1 pg.)

Statement Regarding Reply Previously Mailed to the USPTO (2 pgs.)

Transmittal Form (2 pgs.) *in duplicate*

Petition and Fee for Extension of Time (2 pgs.) *in duplicate*

Amendment and Response to Office Action (8 pgs.)

Notice of Appeal (2 pgs.)

*For transmission problems, please call (650) 849-4825*

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